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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,665	05/18/2001	Robert Cosmo Di Luccio	KCC-15,512	3343
35844	7590	03/23/2005		
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD HOFFMAN ESTATES, IL 60195			EXAMINER ANDERSON, CATHARINE L	
			ART UNIT 3761	PAPER NUMBER
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

SJP

# Office Action Summary

Application No.

09/859,665

Applicant(s)

LUCCIO ET AL.

Examiner

C. Lynne Anderson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-20, 22-29, 31-34, 36-42, 44-48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29, 31, 46-48 and 50 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-12, 14-20, 23-26, 32-34, 36-41 and 44 is/are rejected.
- 7) ☒ Claim(s) 13, 22 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 8-12, 14, 32-34, 36-41, and 44 are rejected under 35

U.S.C. 102(e) as being anticipated by Blaney et al. (6,177,607).

Blaney discloses a method of treating a personal care absorbent article with a treatment chemistry, as disclosed in column 6, lines 29-43, and contacting the article with viscoelastic fluid, as disclosed in column 1, lines 23-26. The treatment chemistry is a water-soluble gelling agent which crosslinks protein, chitosan, as disclosed in column 6, line 38. The article includes a polyolefin cover sheet 21, as disclosed in column 5, lines 59-60, a backsheet 16, and an absorbent core 17, as shown in figure 2.

With respect to claim 2, the article is a sanitary napkin, and therefore the viscoelastic fluids will be menses.

With respect to claim 3, the treatment chemistry is in the form of solid particles.

With respect to claim 4, the treatment chemistry is comprised in the absorbent core 17, and therefore is uniformly dispersed on a portion of the interior of the article.

With respect to claim 6, the treatment chemistry is disposed in the absorbent core 17, which includes the peripheral region.

With respect to claims 8 and 9, the absorbent core 17 comprises a nonwoven web comprising a plurality of polymeric fibers, as disclosed in column 6, lines 6-11, and further comprises the treatment chemistry.

With respect to claim 10, the treatment chemistry is disposed in the absorbent core 17 and therefore forms a gradient within the article.

With respect to claim 11, the treatment chemistry comprises the water-soluble gelling agent, chitosan, and further comprises a superabsorbent, as disclosed in column 6, lines 41-43.

With respect to claim 12, the article comprises a nonwoven web material comprising a bonded carded web, as disclosed in column 5, lines 62-63.

With respect to claim 14, the nonwoven material forms a laminate with layer 13, as shown in figure 2.

With respect to claims 32 and 34, the treatment chemistry is chitosan, which is a water-soluble polyglycan gelling agent.

With respect to claim 33, a superabsorbent is disposed within the nonwoven material, as disclosed in column 6, lines 41-43.

With respect to claim 36, the treatment chemistry is comprised in the absorbent core 17, which comprises a plurality of polymeric fibers forming a nonwoven material, as disclosed in column 6, lines 1-11.

With respect to claim 37, the nonwoven material is meltblown or bonded carded, as disclosed in column 6, lines 1-11.

With respect to claim 38, the nonwoven material further comprises layer 13, as shown in figure 2.

With respect to claim 39, the treatment chemistry is dispersed on only layer 17.

With respect to claim 40, since the treatment chemistry is dispersed on only layer 17 and not layer 13, it is non-homogenously dispersed within the nonwoven material.

With respect to claim 41, the treatment chemistry is mixed with the fibers of the absorbent core 17, and therefore is disposed on the surface of the fibers.

With respect to claim 44, the treatment chemistry is disposed within the entire absorbent core 17, and therefore is applied to the opposed edges, ends, and center.

Claims 15-20 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton et al. (6,562,192).

With respect to claim 15, Hamilton discloses a method comprising forming a tampon including a nonwoven web material and dispersing within the nonwoven nits comprising a treatment chemistry, as disclosed in column 47, lines 33-40, and contacting the treatment chemistry with menses, as disclosed in column 7, lines 44-48. The treatment chemistry comprises chitosan, as disclosed in column 25, lines 25-42, which is a water-soluble gelling agent which crosslinks protein.

With respect to claim 16, the treatment chemistry is in the form of particles, as disclosed in column 25, lines 39-40.

With respect to claim 17, the treatment chemistry is uniformly dispersed within a portion of the interior of the nonwoven, as disclosed in column 30, lines 55-57.

With respect to claim 18, the tampon comprises a plurality of nonwoven material layers, as disclosed in column 47, lines 36-40.

With respect to claim 19, the treatment chemistry is not dispersed on the nonwoven coverstock material, as disclosed in column 47, lines 36-40.

With respect to claim 20, the treatment chemistry is dispersed non-homogeneously, as disclosed in column 30, lines 55-57.

With respect to claim 23, the nonwoven web material is airlaid, as disclosed in column 47, lines 36-40.

With respect to claim 24, the treatment chemistry comprises a water-soluble gelling agent, as disclosed in column 25, lines 39-40, and a superabsorbent, as disclosed in column 29, lines 54-55.

With respect to claims 25-26, the treatment chemistry is a polyglycan water-soluble gelling agent, chitosan.

***Allowable Subject Matter***

Claims 27-29, 31, 46-48, and 50 are allowed.

Claims 13, 22, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*cla*

cla  
March 21, 2005

*Larry I. Schwartz*

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